

# Morgan Lewis

**Jonathan M. Weinberg**

+1.212.309.6613

jonathan.weinberg@morganlewis.com

December 27, 2018

**VIA ECF**

Magistrate Judge James Orenstein  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Pimentel v. Delta Air Lines, Inc., Case No. 17-CV-5317 (AMD) (JO)**

Your Honor:

Defendants Delta Air Lines, Inc. (“Delta”), Tanya Morgan (“Morgan”), and Sergey Yeremeyev (“Yeremeyev”) (Delta, Morgan, and Yeremeyev collectively, “Defendants”) respectfully write in reference to Defendants’ pending Motion for a Protective Order, filed on December 20, 2018 (Dkt. No. 80). Specifically, despite Delta’s request and the Court’s previous instructions, Plaintiff has continued to make uninvited contacts with Delta employees, and in fact has purported to serve Delta employees with discovery demands violative of the Federal Rules of Civil Procedure.

Specifically, on December 25, 2018, Plaintiff contacted Delta Flight Attendant Kristina Kiefer (“Ms. Kiefer”) by text message. *See* Text Messages Between Plaintiff and Kristina Kiefer, attached hereto as Exhibit A. Plaintiff subsequently sent Ms. Kiefer 17 “Interrogatories” and a “Notice of Subpoena for Deposition”; Plaintiff told Ms. Kiefer that she must answer his questions by 10 AM on January 2, 2019 or submit to a deposition on January 4, 2019 in New York. *See* Email from Plaintiff to Kristina Kiefer and Attachment, attached hereto as Exhibit B. In a follow-up text message, Plaintiff told Ms. Kiefer that her answers to his questions were due on January 2, 2019 “or [she] will be forced to come on January 4, 2019 to be videotaped and asked in person[.]” *See* Exhibit A.

Plaintiff did not provide notice to Delta of his intent to subpoena Ms. Kiefer for a deposition, nor did he provide a copy of the purported subpoena, as required by Fed. R. Civ. P. 45(a)(4). Had Plaintiff done so, Delta would have objected – and does object – to the subpoena for the same reasons as it objected to other subpoenas “served” in this action. *See* Dkt. No. 80 at 2-3. Moreover, Ms. Kiefer is not a party to this action, and thus is not required to answer any Interrogatories. Finally, Plaintiff continues to ignore Delta’s request and make unsolicited contact with Delta employees, with legal threats that are ultimately without merit.

**Morgan, Lewis & Bockius LLP**

101 Park Avenue  
New York, NY 10178-0060  
United States

**T** +1.212.309.6000  
**F** +1.212.309.6001

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For the foregoing reasons, Defendants' Motion for a Protective Order should be granted as soon as possible. Thank you for your consideration.

Respectfully submitted,

/s/ Jonathan M. Weinberg

Jonathan M. Weinberg

cc: Aasir Azzarmi (via e-mail and U.S. Mail)